

**Approved 10/6/10**

**TOWN OF CUSHING  
PLANNING BOARD  
Minutes of Meeting  
June 9, 2010**

**Board Present:** Vice-Chairman Frank Muddle, David Cobey, Bob Ellis, Evelyn Kalloch, and CEO Scott Bickford

**Absent:** Chairman Dan Remian

**Others Present:** Carlton Johnson, Chester Knowles, and Paul Rudd

**1. Call to Order:** Acting Chairman Muddle called the meeting to order at 6:10 P.M. and a roll call was taken.

**2. Approve Minutes of 6/3/09 and 5/19/10:** Mrs. Kalloch asked that the statement of the Meduncook Plantation Homeowners Association, read by Alix Wigglesworth at the 5/19/10 meeting, be added verbatim to the minutes.

**ACTION:** Mrs. Kalloch made a motion, seconded by Mr. Cobey, to approve the minutes of the 5/19/10 meeting as revised.  
Carried 4-0-0

**ACTION:** Mr. Cobey made a motion, seconded by Mr. Ellis, to accept the minutes of the 6/3/09 meeting as presented.  
Carried 4-0-0

**3. Old Business:**

**Application for Building Permit, Map 6, Lot 22-7, at 109 Hornbarn Hill, Presented by Carlton Johnson for Machias Savings Bank; the Lot is Zoned as Both Resource Protection and Limited Residential:** Carlton Johnson provided the original engineer's report of soil conditions on the lot, as well as a revised plan that included the items requested by the PB. Information regarding the finished grades on the site was not available because the surveyor did not wish to depict them until they were actually created. The plan did show wells, septic fields, and existing and proposed tree lines.

Mr. Cobey said the sediment barrier (mentioned in the erosion control notes) down-slope of the house corner would end up in Resource Protection [RP]. He wanted to add "except in the RP area" to Note #1. Mr. Johnson said there would be a silt fence at that location. CEO Bickford said if the structure were on the RP line the owner/builder would have no room to do anything, such as digging the foundation. A problem would be obvious when the excavator showed up. Mr. Cobey said the location of the building on this site was not realistic and Mr. Johnson said he would convey that to the buyers. Mr. Ellis said there was room to move the building north and reminded Mr. Johnson that the Board had mentioned at the last meeting that the corner of the house was on RP. Mr. Johnson said he thought it would not be a problem to move the house and apologized for not understanding the firmness of the Board's earlier-expressed concern.

Mr. Johnson asked how the PB would dispense with permitting buildings in split zones. Mr. Cobey replied that the limit of clearing was the RP line and a 10' setback from that line should be established for working space and placement of the silt fence. He added that it was the responsibility of the applicant to demonstrate that 10' was sufficient. Mr. Johnson asked how to move the process forward. Mr. Ellis replied that, in the future, the applicant should be sure there was no possibility of intrusion into RP; in that case, the CEO could handle the permitting without the Board's involvement.

CEO Bickford asked for clarification so he would know how to handle each double zone lot. Mr. Cobey said if the lot was flat, 10' would be enough setback from RP; steep slopes would require more than 10'. Mr. Muddle said the Board should develop criteria guidelines people could understand and act on. Mr. Johnson asked if something could be placed in the record so the process could go forward without another meeting. Mr. Cobey said the Board needed a better drawing of what it was approving, but Mr. Ellis said the CEO could make the decision based on

what the Board had said. Paul Rudd, Machias Savings Bank, asked if a note on the plan saying there would be no intrusion into RP would suffice. Mr. Cobey stated that he would not sign under those circumstances.

Mr. Johnson suggested the PB draw a redraft tonight and he would take it to the purchaser as acceptable to the Board. Mr. Ellis said that would allow the CEO to approve a redrawn plan. Mr. Bickford said in such a case he would require that the building be 10' from RP and also that trees couldn't be removed in RP as hazardous after the fact because they would have to be replaced by many trees. The CEO said the owners needed to know this as these stipulations would be in the requirements on the building permits.

**ACTION:** Mr. Cobey made a motion, seconded by Mr. Ellis, to pass the application to the CEO to review with the understanding that the Planning Board required the building setback from the Resource Protection line to be a minimum of 10' or as required by the CEO, based on site conditions and our finding that the engineering report on slope stability finds there will be no severe erosion or mass soil movement that would impact the proposed house location.  
Carried 4-0-0

Mr. Johnson said Lots 3, 4, 5, and 10 in Hornbarn Hill were also split-zoned and asked if the PB wanted him to present topo research so RP zones due to slopes were delineated, thus allowing the Board to dispense with those if they had a 10' setback. Mr. Muddle said the Board needed to see that the lots were buildable. Mr. Johnson said he would show these lots without building envelopes and asked if the tree lines should be shown. Mr. Bickford said if he had any questions about these lots he would bring them to the PB. He added that it would be helpful to have the tree lines and the limits of clearing on the plans. Mr. Rudd said the applicants would come to the PB if there were any possibility of intrusion into RP. Mr. Cobey asked if the CEO would like it to be standard procedure that the limits of clearing be staked in the field. CEO Bickford answered in the affirmative and said he would also like the RP line marked in some manner.

#### **4. New Business:**

**Review of Shoreland Zone and Subdivision Regulations for Clarity:** Mr. Muddle noted that Mr. Cobey had distributed notes on some items to be discussed. Mr. Ellis asked if there should be a note in the table to reflect the problem of where the PB/CEO reviewing authority lay on #13A because there was nothing instructional for the applicant. Mr. Bickford suggested the Board might want to consider in definitions a "split district" and note that the PB would make the final determination. Mr. Cobey suggested adding a note to the table that said the applicant would come to the PB if the CEO determined there was insufficient information to make a decision. At the last meeting the Board had decided to change #15, Mr. Cobey said, but that could not be done without Town and DEP approval. Mr. Ellis noted several proposed changes to both regulations, including flagging of RP and photography.

Mr. Cobey said Chairman Remian would take the by-laws to the next Selectmen's meeting for approval. There was discussion of whether some changes had already been approved and the fact that a hearing must be held on the four items under #2 on his printout. In both regulations, language must be added to say all road construction must conform to Town road regulations and standards. Mr. Cobey said he had a draft that included changes approved in November and he would tie the two drafts together so both sets of regulations could be discussed at a workshop.

Mr. Muddle thanked the CEO for writing letters to people accumulating junkyards on their property.

**5. Adjournment:** The Board adjourned at 7:40 P.M.

Respectfully submitted,

Deborah E. Sealey  
Recording Secretary